



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

ELP

Docket No. 4217-00

1 December 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149 w/attachments  
(2) Case Summary  
(3) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, applied to this Board requesting, in effect, that his reenlistment code be changed.

2. The Board, consisting of Messrs. Pfeiffer and Whitener and Ms. Humberd reviewed Petitioner's allegations of error and injustice on 29 November 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner's application to the Board was filed in a timely manner.

c. Petitioner reenlisted in the Navy on 6 December 1994 for two years as an FC2 (E-5). At the time of his reenlistment, he had completed nearly six years of prior active service. His record reflects that he was awarded the Navy Achievement Medal for superior performance from 6 November 1991 to 15 February 1995 while serving on board the USS LEYTE GULF (CG-55).

d. Petitioner served without incident until 22 May 1994 when he received a nonjudicial punishment (NJP) for failure to obey a lawful order. Punishment imposed consisted of a six month suspended reduction in rate to FC3 (E-4) and a forfeiture of \$335.

e. Thereafter, Petitioner served without further incident and extended his enlistment for an additional period of 18 months. During the period from March 1996 to June 1998, Petitioner was consistently rated above standards (4.0) to exceeds standards (5.0) in all performance categories, with the exception of military bearing, which was marked below standards (1.0), due to being "unable to meet one or more physical readiness standards." He was not recommended for retention at the expiration of his enlistment, as extended, due to three failures of the physical readiness test (PRT) during a four-year period. On 5 June 1998, he was honorably discharged by reason of "Non-retention on Active Duty" and assigned an RE-4 reenlistment code.

f. Discharge by reason of "Non-retention on Active Duty" means the individual is not recommended for continued active duty due to failure to meet minimum retention requirements which includes unsuccessful rate conversions and failure to meet high-year tenure requirements. Only an RE-4 or RE-6 reenlistment code is authorized for this reason. Individuals who fail the PRT may be assigned an RE-3F reenlistment code, which is authorized when an individual is involuntarily discharged by reason of "Completion of Required Active Service."

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes Petitioner was involuntarily discharged at the expiration of his enlistment due to PRT failure. The Board believes that the assignment of the most restrictive RE-4 reenlistment code was unduly harsh given his otherwise excellent service during two enlistments totalling more than nine years. The Board believes that he should have been more appropriately discharged by reason of "Completion of Required Active Service" and assigned a RE-3F reenlistment code. An RE-3F reenlistment would then correspond with the specific reason of his involuntary discharge.

**RECOMMENDATION:**

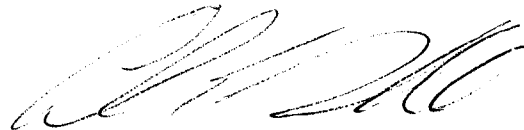
a. That Petitioner's naval record be corrected by showing he was separated on 5 June 1998 by reason of "Completion of Required Active Service" vice "Non-retention on Active Duty" and was assigned an RE-3F vice RE-4 reenlistment code as now shown on his DD Form 214.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references being made a part of Petitioner's naval record.

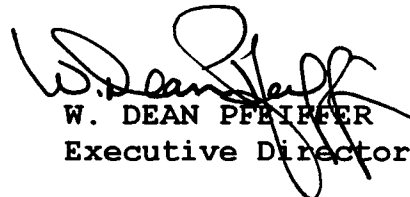
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6 (e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director